

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

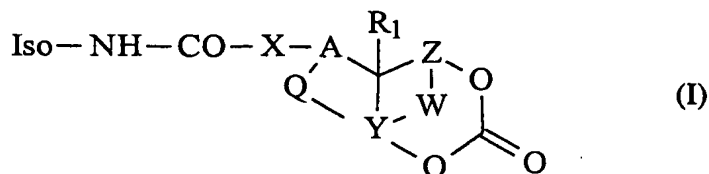
By the above amendments, claim 23 has been amended by deleting the phrase "further comprising at least one additional unmodified isocyanate function and/or at least one other isocyanate function masked with a masking agent or a mixture of thermolabile masking agents", and to recite that Iso further comprises at least one other isocyanate function masked with a masking agent or a mixture of thermolabile masking agents, and Iso optionally comprises at least one additional unmodified isocyanate function. Support for such amendment can be found in originally presented claim 9, as well as page 12, lines 1-3 of the present specification. Claims 38-40 have been amended to depend from claim 23 in view of the previous cancellation of claim 37.

In the Official Action, claims 23-35 and 38-59 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The rejection of claim 23 and claims depending therefrom is moot in view of the deletion of the language objected to by the Examiner, as discussed above. The newly amended language of such claim clarifies that Iso further comprises at least one other isocyanate function masked with a masking agent or a mixture of thermolabile masking agents, and Iso optionally comprises at least one additional unmodified isocyanate function. Further, claims 38-40 have been amended to depend from claim 23. Accordingly, the claims are in full compliance with the second paragraph of §112, and withdrawal of the above rejection is respectfully requested.

Claims 23-27, 30, 31, 33-35, 42, 45, 48, 50, 55, 56 and 59 stand rejected under 35 U.S.C. §102(b) as being anticipated by European Patent Document No. 0 419 114

(EP '114). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Independent claim 23 is directed to modified stable polyisocyanates of formula (I) below having a crosslinking functional group:



EP '114 relates to a method for the preparation of polymeric foams which comprises reacting an organic polyisocyanate with a cyclic carbonate having at least one isocyanate-reactive substituent attached to the carbonate ring. See abstract.

It is well established that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). For an anticipation to exist, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In the present case, EP '114 does not disclose each feature recited in independent claim 23, and as such fails to constitute an anticipation of such claim. At page 3 of the Official Action, the Examiner has taken the position that the previously incorporated subject matter of claim 37 "appears to be no more limiting [than] the claimed definition of 'Iso'". By the present paper, claim 23 has been amended and now recites that **Iso further comprises at least one other isocyanate function masked with a masking agent or a mixture of thermolabile masking agents.** EP '114 has

no disclosure of such at least one isocyanate function masked with a masking agent or a mixture of thermolabile masking agents. In this regard, the Patent Office has relied on *EP '114* for disclosing reacting an organic polyisocyanate with a cyclic carbonate having at least one isocyanate-reactive substituent attached to the carbonate ring and a polyol whereby to form a polyurethane foam. See Official Action at page 3, and *EP '114* at page 3, lines 6-8. However, there is simply no disclosure of the presence of an isocyanate function **masked with a masking agent or a mixture of thermolabile masking agents**, as is presently claimed.

For at least the above reasons, it is apparent that *EP '114* fails to constitute an anticipation of independent claim 23. Accordingly, withdrawal of the above rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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